SINGLE BENCH

C.S. 1100/

(4)

IN THE HIGH COURT OF JUDICATURE AT CHHATTISGARH : BILASPUR

WRIT PETITION (S) NO. 6102 /2006

PETITIONERS

1. Dehman Nayak, s/o Harishankar Nayak, Aged about 46 years, Primary School, Rampur, Block- Pithora, District Mahasamund, (C.G.)

2. Kunj Bihari Pradhan, s/o Arjun Pradhan, aged about 41 years, Primary School, Jamjuda, Block- Pithora, District Mahasamund, (C.G.)

3. Panchram Seth, S/o Sukhdev Seth, aged about 41 years, Primary School, Pendrawan, Block- Pithora, District Mahasamund, (C.G.)

P.R. No. 6132/06
Presented by Shri S.C. Verma
dated 6-11-06

4. Shiv Charan Bhoi, S/o Nakul Prasad Bhoi, aged about 40 years, Primary School, Pendrawan, Block- Pithora, District Mahasamund, (C.G.)

5. Chhabilal Bagh S/o Gurudev Singh Bagh, aged about 43 years, Govt. High School, Bhukel, Block – Basna, District Mahsamund (C.G.)

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6. Usat Kumar Pareshwar S/o Suklal Pareshwar, aged about 40 years, Govt. Middle School, Bhaskarapali, Block – Pithora, District Mahasamund (C.G.)

7. Shakeela Bano W/o Gulal Khan, aged about 41 years Govt. Primary School, Baitari, Block- Pithora, District Mahasamund, (C.G.)

8. Arun Pradhan S/o Raidhar Pradhan, aged about 40 years, Govt. High School, Pirda, Block- Pithora, District Mahasamund, (C.G.)

9. Govind Pradhan S/o Jagbandhu Pradhan, aged about 46 years, Govt. Primary School, Barnaidadar, Block- Pithora, District Mahasamund, (C.G.)

10. Madhuri Sagar, D/o Andriyas Sagar, aged about 42 years, Govt. Primary School, Tarekela, Block- Pithora, District Mahasamund, (C.G.)

S.R. Kaushik
6/11/06
TAHSILAR

2 (5)

11. Tijram Pareshwar, S/o Shri Suklal Pareshwar, aged about 37 years, Govt. Primary School, Bhikhapali, Block- Pithora, District Mahasamund, (C.G.)

Versus

RESPONDENTS

1) State of Chhattisgarh Through : The Secretary Department of Higher Education, D.K.S Bhawan Raipur (C.G.)

2) The Commissioner Tribal Welfare Department, Raipur (C.G.)

3) The Commissioner Publication and instruction Department, Raipur (C.G.)

4) The District Education Officer, Mahasamund, District Mahasamund (C.G.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, CERTIORARY OR ANY OTHER WRIT IN THE LIGHT NATURE

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 6102 of 2006

Petitioners — Dehman Nayak S/o Harishankar and others

Versus

Respondents — State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri S.C. Verma, Advocate for the petitioners.
Smt. Anju Ahuja, Deputy Govt. Advocate for the State/respondents.

ORDER

(8th November, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioners were appointed as Assistant Teachers wherein, it was provided that the petitioners would be granted pay scale of Rs. 545-925/-, after a period of one year. It was further provided that the petitioners would be entitled to the fixed pay of Rs. 300/- for a period of one year.

2. Similarly situated employees who were initially granted a fixed pay of Rs. 300/- for a period of one year and after completion of two years period they were granted of Rs. 545-925/- had approached the Madhya Pradesh State Administrative Tribunal. The Tribunal passed the order on 24.8.1992 in O.A. No. 2745 of 1989 (Madhukant Yadu and 56 others Vs. State of M.P. & others.)

3. It was further held that the said benefit would be given to all teachers and they should not be compelled to approach the Tribunal for similar benefit individually or collectively.

4. Being aggrieved, the then State of Madhya Pradesh had filed the Special Leave Petition (Civil) No. 6892/93 impugning the order dated 24.8.1992 passed by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89. The Hon'ble Supreme Court after hearing learned counsel for the parties, dismissed the Special Leave Petition and having regard to the large financial implications, granted one year's time to settle the claim for the arrears without interest vide order dated 3.1.1994. It was further observed that the intervention would work out their rights in accordance with law. This order dated 24.8.1992 passed by the Tribunal in O.A. No. 2745/1989 is applicable to the petitioners being similarly situated and they are accordingly entitled to the same benefit.

5. For the above stated reasons, the writ petition is allowed and the petitioners are granted liberty to make a representation to consider the cases of the petitioners on the same footing as per order dated 24.8.1992 passed by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others.) and subsequently confirmed by order dated 3.1.1994 passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93.

6. There shall be no order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu